

REMARKS

Applicants were required under 35 U.S.C. § 121 and 372 to elect a single species from each of the following four groups of species:

- A. An antigen.
- B. A specific immunosuppressive agent or a specific combination of immunosuppressive agents.
- C. A specific cytokine.
- D. A specific neutralizing antibody.

Response to Species Election Requirement

With regard to the four groups of species, Applicants elect the following:

- A. **HLA-I.** Claims 1-11 read on this species.
- B. **Prograf (FK506).** Claims 1-7, 10-19, 22 and 23 read on this species.
- C. **TGF-beta.** Claims 1-21 and 23 read on this species.
- D. **Anti-IL-2.** Claims 1-23 read on this species.

Applicant understands that, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

Traversal of Election of Species Requirement

Notwithstanding the above elections, Applicant traverses the election of species requirement. The various species for the terms “antigen”, “immunosuppressive agent”, “cytokine which can either stimulate or inhibit cell proliferation or activation”, and “neutralizing antibodies against the specific cytokines” all possess the same properties known in the art and can perform the same function in the present invention. Thus, the various species belong to a single general inventive concept and should be examined together.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this

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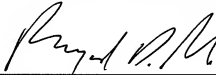
application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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